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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

v.

CHANHT REATREY KEO, et al.,

Defendants.

Case No. 19-cv-02099-RS

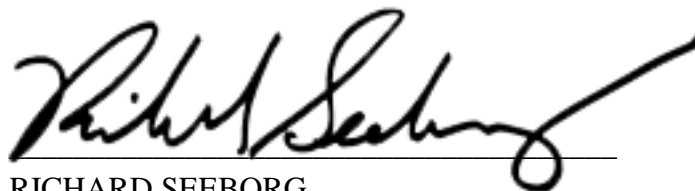
**ORDER DISCHARGING ORDER TO
SHOW CAUSE**

Remand is inappropriate in this case. Both the Supreme Court and the Ninth Circuit have reiterated that the statutory time limit for removal petitions, while mandatory, are not jurisdictional. *Mackay v. Uinta Dev. Co.*, 229 U.S. 173, 176-77 (1913); *Fristoe v. Reynolds Metals Co.*, 615 F.2d 1209, 1212-13 (9th Cir. 1980). As such, while a timely objection to a late petition will defeat removal, a party may waive the defect or be estopped from objecting to the untimeliness by sitting on their rights. *Fristoe*, 615 F.2d at 1212. A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a). 28 U.S.C. § 1447(c). Since this period has passed, Freddie Mac has waived what potential timeliness defect there may have been, and the case may proceed in federal court. Accordingly, the order to show cause (Dkt. 22) is discharged.

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IT IS SO ORDERED.

Dated: June 19, 2019

A handwritten signature in black ink, appearing to read "Richard Seeborg", written over a horizontal line.

RICHARD SEEBORG
United States District Judge